

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 21 CR 05 (BHL)

v.

JOHN D. WHELAN and
TINA MONTEZON,

Defendants.

NOTICE AND REQUEST FOR STATUS CONFERENCE

The United States of America, by Acting United States Attorney Richard G. Frohling and Assistant United States Attorneys Julie Stewart and Kevin Knight, hereby notifies the Court and the parties of the following and requests a counsel-only telephonic status conference to discuss the same:

1. The pending indictment charges the defendants with conspiracy to distribute controlled substances, unlawful distribution of controlled substances, maintaining a drug-involved premises, and making false statements to federal agents in violation of Title 21, United States Code, Sections 846, 841(a)(1), 841(b)(1)(C), 856(a)(1), and Title 18, United States Code, Section 1001.

2. At trial, the jury will be asked to determine whether the defendants distributed controlled substances for a legitimate medical purpose and in a manner consistent with established medical practice. The government accordingly retained an expert witness to review

certain portions of the evidence and opine on this issue. A report commemorating that expert's opinion was produced to defense counsel months ago, along with the required correlating materials.

3. The government's expert witness was recently diagnosed with an extremely serious medical condition. At this time, the government is unsure whether this expert witness will be able to testify at trial, given this diagnosis, and the undersigned have begun the process of retaining another expert witness.

4. That process implicates a substantial amount of work and correlating potential delays. Those delays will be exacerbated further if defendants intend to retain their own expert witness.

5. Trial is currently set for April 25, 2022. To minimize potential disruptions and in an effort to conserve judicial resources, the government respectfully requests a counsel-only telephonic status conference to discuss these developments.

Respectfully submitted this 2nd day of December, 2021 at Milwaukee, Wisconsin.

RICHARD G. FROHLING
United States Attorney

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